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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,056	01/25/2001	John T. Lette	MS160207.1	7200
27195	7590	06/04/2004	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 06/04/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/770,056	LETTE ET AL.
	Examiner	Art Unit
	Philip C Lee	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2002.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-32 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The specification is objected to because of the following informalities and grammar errors, page 11, lines 11, “replicators 110A” [i.e. no replicator 110A in figures.], page 16, lines 8, “pre-allocating process 330” [i.e. no pre-allocating process 330 in figures]. Appropriate correction is required.

*Claim Rejections – 35 USC 112*

4. Claims 1-22 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:

- i. the routing component – claim 20;
  - ii. computer executable components of the system – claim 22;
  - iii. computer executable instructions – claim 30;
  - iv. the method of step 23 – claim 30.
- b. Claim language in the following claims is not clearly understood:
- i. As per claim 1, lines 3-4, it is unclear what is meant by “a consumer of the at least one resource” [i.e. the consumer owns the resource or the consumer requests to access the resource].
  - ii. As per claim 22, lines 1-2, it is unclear what are “computer executable components of the system” of claim 1 [i.e. which computer executable components?].
  - iii. As per claim 30, lines 1-2, it is unclear what are “computer executable instructions operable to execute the method”.

*Claim Rejections – 35 USC 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 22-23, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al, U.S. Patent 6,539,481(hereinafter Takahashi) in view of Patterson et al, U.S. Patent 6,504,913 (hereinafter Patterson).

7. As per claims 1, 22-23, 30 and 32, Takahashi taught the invention substantially as claimed for pre-allocating at least one resource, comprising:

an identifier adapted to determine whether a consumer of the at least one resource is a registering consumer or a registered consumer (col. 4, lines 16-25, 48-52, 59-66; col. 5, lines 11-17; col. 5, lines 66-col. 6, lines 2);

an associator adapted to associate the at least one allocated resource with a first resource manager, the first resource manager operable to manage the at least one allocated resource for the registering consumer (col. 3, lines 59-63; col. 6, lines 33-39); and a router adapted to route a request requiring access to the at least one resource associated with the registering consumer to the first resource manager (col. 5, lines 31-37).

8. Takahashi did not teach pre-allocating resources. Patterson taught an allocator adapted to pre-allocate the at least one resource (col. 6, lines 35-48);

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi and Patterson because Patterson's

method of pre-allocating resources would increase the efficiency of Takahashi's system by allowing the resource manager to guarantee a consumer the chance to handle a service request (col. 8, lines 6-12).

10. As per claims 2 and 27, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Patterson further taught wherein the at least one resource is allocated to a consumer registering to use an application (col. 6, lines 24-28).

11. As per claim 3, Takahashi and Patterson taught the invention substantially as claimed in claim 2 above. Takahashi further taught wherein the application is available over a network (col. 3, lines 51-56).

12. As per claims 4 and 28-29, Takahashi and Patterson taught the invention substantially as claimed in claims 3 and 27 above. Patterson further taught wherein the network is the Internet (col. 4, lines 47-49).

13. As per claim 5, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Patterson further taught wherein the at least one resource is allocated to a consumer registering to use a service (col. 6, lines 24-28).

14. As per claims 6, Takahashi and Patterson taught the invention substantially as claimed in claim 5 above. Patterson further taught wherein the service is available over the Internet (fig. 2; fig. 3; col. 4, lines 42-55).

15. As per claims 7, 8 and 9, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Patterson further taught wherein the identifier is a computer process (col. 13, lines 16-19).

16. As per claim 25, Takahashi and Patterson taught the invention as claimed in claim 23 above. Takahashi further taught wherein the request requiring access to the resource is not necessarily routed to the first resource manager if the data associated with registering consumer has been replicated to one or more resource managers, the request being routable to the one or more resource managers to which the data has been replicated (col. 1, lines 37-61).

17. Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Takahashi.

18. As per claim 31, Patterson taught the invention substantially as claimed wherein a data packet (inherently comprised in a request) adapted to be transmitted between two or more computer processes (fig. 5; col. 6, lines 35-37), the data packet comprising:  
information concerning pre-allocating one or more resources for access by one or more registering consumers (col. 6, lines 35-48).

19. Patterson did not specifically detailing the type of information in the data packet. Takahashi taught information including least one of: a resource type; a resource name; a resource capacity; a resource location; a resource availability; an association between a resource and a resource managing component, and an association between a resource managing component and the registering consumer (col. 1, lines 37-43; col. 3, lines 59-63; col. 6, lines 33-39).
20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Patterson and Takahashi because Takahashi's method of including the type of information would increase the security of Patterson's system by allowing user name to be registered at the resource manager in order to use the system (col. 1, lines 37-43).
21. Claims 10-11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi and Patterson in view of Makarios et al, U.S. Patent 6,401,125 (hereinafter Makarios).
22. As per claims 10 and 26, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Takahashi and Patterson did not specifically detailing the type of requests. Makarios taught the identifier operable to receive Hypertext Transfer Protocol (HTTP) requests (col. 4, lines 30-38).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Patterson and Makarios because Makarios's system of receiving Hypertext Transfer Protocol (HTTP) request would increase the field of use in Takahashi's and Patterson's systems by allowing a client to request for Hypertext Transfer Protocol objects (col. 4, lines 33-34).

24. As per claim 11, Takahashi, Patterson and Makarios taught the invention as claimed in claim 10 above. Makarios further taught wherein the identifier distinguishes consumer requests by examining at least part of a persistent client side hypertext file (cookie) (col. 3, lines 1-10; col. 4, lines 30-38; col. 5, lines 46-49).

25. Claims 12-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi and Patterson in view of Zadikian et al, U.S. Patent 6,631,134 (Zadikian).

26. As per claims 12, 15 and 24, Takahashi and Patterson taught the invention substantially as claimed in claims 1 and 23 above. Takahashi and Patterson did not specifically detailing records of association information. Zadikian taught wherein the associator records association information concerning an association between the at least one resource and the first resource manager in one or more data structures (col. 21, lines 4-15).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Patterson and Zadikian because

Zadikian's method of recording association information would increase the efficiency of Takahashi's and Patterson's systems by allowing the resource manager to quickly determine a resource's failure (col. 21, lines 13-15).

28. As per claim 13, Zadikian further taught wherein the one or more data structures include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

29. As per claims 14 and 16, Takahashi, Patterson and Zadikian taught the invention substantially as claimed in claims 12 and 15 above. Zadikian further taught wherein the one or more data structures contain a mapping between the at least one resource and the first resource manager (col. 21, lines 4-15).

30. As per claims 17 and 20, Takahashi and Patterson taught the invention substantially as claimed in claim 1 above. Takahashi and Patterson did not teach accessing routing information. Zadikian taught wherein the router accesses one or more data structures containing routing information that facilitates routing the request associated with the registering consumer to the first resource manager (col. 5, lines 34-37).

31. As per claim 18, Takahashi, Patterson and Zadikian taught the invention substantially as claimed in claim 17 above. Zadikian further taught wherein the one or more data structures

include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

32. As per claims 19 and 21, Takahashi, Patterson and Zadikian taught the invention as claimed in claims 18 and 20 above. Takahashi further taught wherein the one or more data structures contain one or more mappings for one or more consumers to one or more resource managers (col. 1, lines 37-48).

## CONCLUSION

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reynolds, U.S. Patent 5,926,535, disclosed a system for routing allocation requests.

Gervais et al, U.S. Patent 6381579, disclosed a method of recording association information associated between a resource manager and a resource user.

34. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The

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examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

37. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100